

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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SIERRA NEVADA FOREST PROTECTION  
CAMPAIGN, CENTER FOR BIOLOGICAL  
DIVERSITY, NATURAL RESOURCES  
DEFENSE COUNCIL, SIERRA CLUB, and  
THE WILDERNESS SOCIETY, non-profit  
organizations,

Plaintiffs,

v.

MARK REY, in his official capacity as  
Under Secretary of Agriculture; DALE  
BOSWORTH, in his official capacity  
as Chief of the United States Forest  
Service; JACK BLACKWELL, in his official  
capacity as Regional Forester,  
Region 5, United States Forest Service;  
JAMES M. PEÑA, in his official capacity as  
Forest Supervisor, Plumas National Forest,

Federal Defendants.

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PEOPLE OF THE STATE OF CALIFORNIA,  
ex rel. BILL LOCKYER,  
Attorney General,

Plaintiff,

v.

No. CIV-S-05-0205 MCE GGH

**ORDER DENYING FEDERAL  
DEFENDANTS' MOTION TO  
CONSOLIDATE CASES**

No. CIV-S-05-0211 MCE GGH

1 UNITED STATES DEPARTMENT OF  
2 AGRICULTURE; MIKE JOHANNS, in his  
3 official capacity as Secretary of the  
4 Department of Agriculture;  
5 MARK REY, in his official capacity as  
6 Under Secretary of Agriculture;  
7 DALE BOSWORTH, in his official capacity  
8 as Chief of the United States Forest  
9 Service; and JACK A. BLACKWELL in his  
10 official capacity as Regional Forester,  
11 Region 5, United States Forest Service,

12 Federal Defendants.

13 CALIFORNIA FORESTRY ASSOCIATION  
14 and AMERICAN FOREST & PAPER  
15 ASSOCIATION,

No. CIV-S-0905-MCE DAD

16 Plaintiffs,

17 v.

18 DALE BOSWORTH, Chief, United States  
19 Forest Service; MIKE JOHANNS, Secretary of  
20 Agriculture; and JACK A. BLACKWELL,  
21 Regional Forester, Pacific Southwest Region,  
22 United States Forest Service,

23 Federal Defendants.

24 PACIFIC RIVERS COUNCIL,

No. CIV-S-00953 MCE DAD

25 Plaintiff,

26 v.

27 UNITED STATES FOREST SERVICE;  
28 MARK REY, in his official capacity as Under  
Secretary of Agriculture; DALE BOSWORTH,  
in his official capacity as Chief of the  
United States Forest Service;  
JACK BLACKWELL, in his official capacity  
as Regional Forester,  
Region 5, United States Forest Service,

Federal Defendants.

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\_\_\_\_The matter is before the Court upon a motion by the  
United States to consolidate, pursuant to Rule 42(a) of the

1 Federal Rules of Civil Procedure, the four above-captioned cases,  
2 which have all been previously related in accordance with the  
3 provisions of Local Rule 83-123. According to the United States,  
4 consolidation would promote judicial economy by providing a  
5 comprehensive procedural mechanism for coordinating all four of  
6 these challenges to the 2004 Sierra Nevada Forest Plan Amendment.

7 In requesting consolidation only for purposes of such  
8 coordination, however, the United States specifically states that  
9 the four cases should *not* be merged. This concern is reiterated  
10 by Plaintiffs California Forestry Association, Sierra Nevada  
11 Forest Protection Campaign, People of the State of California and  
12 Pacific Rivers Council, who agree with consolidation only to the  
13 extent that the related cases are *not* merged and consolidation is  
14 limited to requiring coordinated briefing and hearing schedules  
15 to promote the efficient resolution of each case.

16 Although the parties appear to be in agreement that the  
17 cases not be merged, the procedure utilized by this Court for  
18 consolidation involves that very procedural vehicle, and would  
19 entail designation of a single master case into which the other  
20 cases would be incorporated. Given the complexity of these cases  
21 and the factual distinctions which apply to some of the actions,  
22 such merger in the Court's view would be both unwieldy,  
23 impracticable, and contrary to the parties' desires in any event.  
24 Because the Court finds that such consolidation would  
25 consequently not promote judicial economy, the United States'

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1 Motion to Consolidate is DENIED.<sup>1</sup>

2 The Court does, find, however, that coordination within the  
3 confines of the related status of these cases is indicated.  
4 Consequently coordination to that extent will occur. The parties  
5 in each case shall consult and, within 21 days of this order,  
6 submit joint status reports that include proposed schedules for  
7 briefing the merits of the cases.

8 IT IS SO ORDERED.  
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10 DATED: July 27, 2005

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14 MORRISON C. ENGLAND, JR.  
15 UNITED STATES DISTRICT JUDGE  
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27 <sup>1</sup>Because oral argument would not be of material assistance,  
28 this matter was deemed suitable for decision without oral  
argument. E.D. Local Rule 78-230(h).